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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE,

Plaintiff and Respondent,

v.

GREG LEE THOMAS,

Defendant and Appellant.

D067846

(Super. Ct. No. SCS273674)

APPEAL from a judgment of the Superior Court of San Diego County, Garry G. Haehnle, Judge. Affirmed.

Daniel Yeager, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance by Respondent.

This case arises from a plea bargain, with a stipulated sentence. As part of the agreement, Greg Lee Thomas entered a guilty plea to one count of obtaining personal identification information of another with intent to defraud. (Pen. Code,¹ § 530.5,

¹ All further statutory references are to the Penal Code unless otherwise specified.

subd. (c)(3).) Thomas also admitted a serious/violent felony prior conviction. (§ 667, subds. (b)-(i).) The parties agreed to a stipulated sentence of 32 months, based on the lower term of 16 months, doubled because of the strike prior. The remaining counts were dismissed. The change of plea agreement included a waiver of the right to appeal from the denial of the section 1538.5 motion filed at the preliminary hearing.

Thomas filed a motion pursuant to *People v. Marsden* (1970) 2 Cal.3d 118 (*Marsden*) to replace trial counsel. The court conducted a hearing and denied the motion. Thomas was sentenced to the stipulated term of 32 months in prison. Thomas filed a timely notice of appeal. The court denied the request for a certificate of probable cause. (§ 1237.5.)

Appellate counsel has filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*), indicating he has been unable to identify any reasonably arguable issues for reversal on appeal. Counsel asks this court to review the record for error as mandated by *Wende*. We offered Thomas the opportunity to submit his own brief on appeal, but he has not responded.

STATEMENT OF FACTS

As part of the change of plea, Thomas admitted he unlawfully possessed personal identifying information of 10 other persons.

DISCUSSION

As we have indicated, counsel has not been able to identify any reasonably arguable issues for reversal on appeal. Pursuant to *Anders v. California* (1967) 386 U.S.

738 (*Anders*), counsel has identified the following possible, but not reasonably arguable issues to assist this court in our review of the record:

1. Whether the trial court erred in denying Thomas's *Marsden* motion and his included request to withdraw his guilty plea.

2. Whether the trial court erred in denying the motion to suppress under section 1538.5, and is that issue cognizable on this appeal.

We have reviewed the entire record as mandated by *Wende, supra*, 25 Cal.3d 436 and *Anders, supra*, 386 U.S. 738. We have not identified any reasonably arguable issue for reversal on appeal. Competent counsel has represented Thomas on this appeal.

DISPOSITION

The judgment is affirmed.

HUFFMAN, J.

WE CONCUR:

BENKE, Acting P. J.

McINTYRE, J.